

COMMONWEALTH OF KENTUCKY  
BEFORE THE  
KENTUCKY PUBLIC SERVICE COMMISSION

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MAR 31 2005

PUBLIC SERVICE  
COMMISSION

In the Matter of:

GAS COST ADJUSTMENT	)	CASE NO.
FILING OF	)	2005-
ATMOS ENERGY CORPORATION	)	

**PETITION FOR CONFIDENTIALITY OF INFORMATION**  
**BEING FILED WITH THE KENTUCKY PUBLIC SERVICE COMMISSION**

Atmos Energy Corporation ("Atmos") respectfully petitions the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001 Section 7 and all other applicable law, for confidential treatment of the information which is described below and which is attached hereto. In support of this Petition, Atmos states as follows:

1. Atmos is filing its Gas Cost Adjustment ("GCA") for the quarterly period commencing on May 1, 2005. This GCA filing also contains Atmos' quarterly Correction Factor (CF), as well as information pertaining to Atmos' projected gas prices. The following two attachments contain information which require confidential treatment.

- a. The attached Exhibit D contains information from which the actual price being paid by Atmos for natural gas to its supplier can be determined.
- b. The attached Weighted Average Cost of Gas ("WACOG") schedule in support of Exhibit C, page 19 contains confidential information pertaining to prices projected to be paid by Atmos for purchase contracts.

2. Information of the type described above has previously been filed by Atmos with the Commission under petitions for confidentiality. Exhibit D contains information from which it

could be determined what Atmos is paying for natural gas under its gas supply agreement with its existing supplier. The Commission has consistently granted confidential protection to that type of information in each of the prior GCA filings in KPSC Case No. 1999-070. The information contained in the attached WACOG schedule has also been filed with the Commission under a Petition for Confidentiality in Case No. 97-513.

3. All of the information sought to be protected herein as confidential, if publicly disclosed, would have serious adverse consequences to Atmos and its customers. Public disclosure of this information would impose an unfair commercial disadvantage on Atmos. Atmos has successfully negotiated an extremely advantageous gas supply contract that is very beneficial to Atmos and its ratepayers. Detailed information concerning that contract, including commodity costs, demand and transportation charges, reservations fees, etc. on specifically identified pipelines, if made available to Atmos' competitors, (including specifically non-regulated gas marketers), would clearly put Atmos to an unfair commercial disadvantage. Those competitors for gas supply would be able to gain information that is otherwise confidential about Atmos' gas purchases and transportation costs and strategies. The Commission has accordingly granted confidential protection to such information.

4. Likewise, the information contained in the WACOG schedule in support of Exhibit C, page 19, also constitutes sensitive, proprietary information which if publicly disclosed would put Atmos to an unfair commercial disadvantage in future negotiations.

5. Atmos would not, as a matter of company policy, disclose any of the information for which confidential protection is sought herein to any person or entity, except as required by law or pursuant to a court order or subpoena. Atmos' internal practices and policies are directed towards non-disclosure of the attached information. In fact, the information contained in the

attached report is not disclosed to any personnel of Atmos except those who need to know in order to discharge their responsibility. Atmos has never disclosed such information publicly. This information is not customarily disclosed to the public and is generally recognized as confidential and proprietary in the industry.

6. There is no significant interest in public disclosure of the attached information. Any public interest in favor of disclosure of the information is out weighed by the competitive interest in keeping the information confidential.

7. The attached information is also entitled to confidential treatment because it constitutes a trade secret under the two prong test of KRS 265.880: (a) the economic value of the information as derived by not being readily ascertainable by other persons who might obtain economic value by its disclosure; and, (b) the information is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The economic value of the information is derived by Atmos maintaining the confidentiality of the information since competitors and entities with whom Atmos transacts business could obtain economic value by its disclosure.

8. Pursuant to 807 KAR 5:001 Section 7(3) temporary confidentiality of the attached information should be maintained until the Commission enters an order as to this petition. Once the order regarding confidentiality has been issued, Atmos would have twenty (20) days to seek alternative remedies pursuant to 807 KAR 5:001 Section 7(4).

WHEREFORE, Atmos petitions the Commission to treat as confidential all of the material and information which is included in the attached one volume marked "Confidential".

Respectfully submitted this 30<sup>th</sup> day of March, 2005.



Mark R. Hutchinson  
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Attorneys for Atmos Energy Corporation



March 30, 2005

MAR 31 2005  
PUBLIC SERVICE  
COMMISSION

Ms. Elizabeth O'Donnell, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602

Case No. 2005-00139

Re: Case No. 2005-00

Dear Ms. O'Donnell:

We are filing the enclosed original and three (3) copies of a notice under the provisions of our Gas Cost Adjustment Clause, Case No. 2005-00139. **This filing contains a Petition of Confidentiality and confidential documents.**

Please indicate receipt of this filing by stamping and dating the enclosed duplicate of this letter and returning it in the self-addressed stamped envelope to the following address:

Atmos Energy Corporation  
5430 LBJ Freeway, Suite 600  
Dallas, TX 75240

If you have any questions, feel free to call me at 972-855-3011.

Sincerely,

Thomas J. Morel  
Senior Rate Analyst, Rate Administration

Enclosures

COMMONWEALTH OF KENTUCKY  
BEFORE THE  
KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of:

GAS COST ADJUSTMENT                    )  
FILING OF                                    )  
ATMOS ENERGY CORPORATION            )                    Case No. 2005 - 00139

NOTICE

QUARTERLY FILING

For The Period

May 1, 2005 - July 31, 2005

Attorney for Applicant

Mark R. Hutchinson  
1700 Frederica St.  
Suite 201  
Owensboro, Kentucky 42301

March 30, 2005

Atmos Energy Corporation, ("the Company"), is duly qualified under the laws of the Commonwealth of Kentucky to do its business. The Company is an operating public utility engaged in the business of purchasing, transporting and distributing natural gas to residential, commercial and industrial users in western and central Kentucky. The Company's principal operating office and place of business is 2401 New Hartford Road, Owensboro, Kentucky 42301. Correspondence and communications with respect to this notice should be directed to:

Gary L. Smith  
Vice President - Marketing &  
Regulatory Affairs/Kentucky Division  
Atmos Energy Corporation  
Post Office Box 866  
Owensboro, Kentucky 42302

Mark R. Hutchinson  
Attorney for Applicant  
1700 Frederica St.  
Suite 201  
Owensboro, Kentucky 42301

Thomas J. Morel  
Senior Rate Analyst, Rate Administration  
Atmos Energy Corporation  
5430 LBJ Freeway, Suite 600  
Dallas, Texas 75240

The Company gives notice to the Kentucky Public Service Commission, hereinafter "the Commission", pursuant to the Gas Cost Adjustment Clause contained in the Company's settlement gas rate schedules in Case No. 99-070.

The Company hereby files Twelfth Revised Sheet No. 4, Twelfth Revised Sheet No. 5 and Twelfth Revised Sheet No. 6 to its PSC No. 1, Rates, Rules and Regulations for Furnishing Natural Gas to become effective May 1, 2005.

The Gas Cost Adjustment (GCA) for firm sales service is \$9.5279 per Mcf, \$8.6425 per Mcf for high load factor firm sales service, and \$8.6425 per Mcf for interruptible sales service. The supporting calculations for the Twelfth Revised Sheet No. 5 are provided in the following Exhibits:

- Exhibit A - Summary of Derivations of Gas Cost Adjustment (GCA) .....
- Exhibit B - Expected Gas Cost (EGC) Calculation .....
- Exhibit C - Rates used in the Expected Gas Cost (EGC) Calculation .....
- Exhibit D - Correction Factor (CF) Calculation .....
- Exhibit F - LVS Pricing Calculation .....

Since the Company's last GCA filing, Case No. 2005-00013, the following changes have occurred in its pipeline and gas supply commodity rates for the GCA period.

1. The commodity rates per MMBtu used are based on historical estimates and/or current data for the quarter May 2005 through July 2005, as shown in Exhibit C, page 19.
2. The Expected Commodity Gas Cost will be approximately \$7.391 MMBtu for the quarter May 2005 through July 2005, as compared to \$6.307 per MMBtu used for the quarter of February 2005 through April 2005.
3. The Company's notice sets out a new Correction Factor of \$0.3496 per Mcf, which will remain in effect until at least July 31, 2005.

The GCA tariff as approved in Case No. 92-558 provides for a Correction Factor (CF) which compensates for the difference between the expected gas cost and the actual gas cost for prior periods. A revision to the GCA tariff effective December 1, 2001, Filing No. T62-1253, provides that the Correction Factor be filed on a quarterly basis. The Company is filing its updated Correction Factor that is based upon the balance in the Company's Account 191 as of January 31, 2005. The calculation for the Correction Factor is shown on Exhibit D, Page 1.

WHEREFORE, Atmos Energy Corporation requests this Commission, pursuant to the Commission's order in Case No. 99-070, to approve

the Gas Cost Adjustment (GCA) as filed in Twelfth Revised Sheet No. 5; and Twelfth Revised Sheet No. 6 setting out the General Transportation Tariff Rate T-2 for each respective sales rate for meter readings made on and after May 1, 2005.

DATED at Dallas Texas, this 30th Day of March, 2005.

ATMOS ENERGY CORPORATION

By: Thomas J. Morel

Thomas J. Morel  
Senior Rate Analyst, Rate Administration  
Atmos Energy Corporation